P.R. No. 1952/06
Presented by Shri [illegible]
dated 12/12/06

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CR 1201

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)

Single Bench

SECOND APPEAL NO. 317 /2006

APPELLANT

[PLAINTIFF]

Smt. Nandani aged about 42 years, wife of Shri Daulat Ram and Father Shri Benuram Agrawal, caste Agrawal, resident of Dewari Tah. Pamgarh, District Janjgir-Champa (Chhattisgarh)

VERSUS

RESPONDENTS

[DEFENDENTS]

1. State of Chhattisgarh, through the District Collector, District Janjugir-Champa (C.G.)

2. Gram Panchayat Dewari Khorsi, through – itrs Sarpanch Gram panchayat Dewari Khorsi, District Janjgir-Champa (C.G.)

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SECOND APPEAL UDNER SECTION 100 OF THE CIVIL PROCEDURE CODE, 1908

Valuation of appeal and

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक S.A. No. 317/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	15.01.2007 Shri Ali Asgar, Counsel for the appellant. Shri Akhil Agrawal, P.L. for the State. Heard on admission. The appellant is aggrieved by the judgment and decree dated 27.03.2006 passed by the Additional District Judge, Janjgir in Civil Appeal No. 55-A of 2005 whereby the judgment and decree passed by the Second Civil Judge Class-2, Janjgir in Civil Suit No. 66-A of 2000 dated 29.03.2003 dismissing the suit for the plaintiff was affirmed. It is not disputed that the suit lands were recorded as grass lands and forest lands in the records of settlement. The plaintiff claimed title only on the basis of a document Ex.P.1 which shows that in the year 1929-30, Luduram, ancestor of the plaintiff, was in possession. However, there is absolutely nothing on record to show that any time thereafter plaintiff or his ancestor was in possession of the suit lands. Both the courts below have, on proper appraisal of the evidence both oral and documentary, rejected the claim of the plaintiff regarding the title over the suit lands and have also correctly refused to grant relief of injunction. I am of the considered opinion that no substantial question of law arises for determination in this appeal. This second appeal is dismissed at the stage of admission. No order as to costs. **Sd/-** **Dilip Raosaheb Deshmukh** **Judge**	

P.T.O.

Anjani